

January 22, 2007

I. Call to Order/Roll Call/Opening Ceremonies

Chairman Alex Vispoli called the Regular Meeting of the Board of Selectmen on Monday, January 22, 2007 in the Selectmen's Conference Room in the Town Offices at 7:00 p.m. Present were Selectmen Mary Lyman, Ted Teichert, John Hess and Chairman Alex Vispoli. Selectman Major was absent. Also present were Town Manager Buzz Stapczynski and Town Clerk Randall Hanson. The Chairman called for a moment of silence followed by the Pledge of Allegiance. Recording Secretary Elizabeth A. Kochakian took the minutes. This meeting was duly posted and cablecast live.

II. Communications/Announcements/Liaison

Town Manager Stapczynski:

- The Warrant closed on Friday at 4:30 p.m. and they ended up with 51 Town and 14 private warrant articles for a total of 65. The Board will receive a complete set tomorrow.
- The MMA Annual Meeting was held two weeks ago and they received two awards: One was the Loss Control Committee award thanks to Elaine Shola, Purchasing Agent, and her committee made up of town and school employees, a group of one dozen people who met monthly to go over loss control and insurance issues. The second award was from the Merrimack Valley Chamber of Commerce in conjunction with Andover, North Andover, Lawrence and Methuen. The award was for the GIS program that will allow businesses to work through the Chamber's web site to find out about potential building sites. He said Joe Piantedosi would like to come to a future meeting to give a demonstration with their new projector to see how that works.
- On the annual town election, Town Clerk Randy Hanson has been hard at work handing out papers to candidates. Ms. Hanson gave a report on the Town's election ballot to date. Out of the fifteen potential candidates, she said that five people have actually brought their papers back. The last day to do that is February 6, 2007 at 5 o'clock.
- The Manager said that at the last meeting with the approval of Clown Town, they had a problem with the closing time when it was being discussed. The approval was passed for 9:30 p.m. but the Rules for the Park say that closing time should be 9:00 p.m. He said the Board can keep it at 9:30 p.m. but will have to change the Rules and Regulations the Board established for the use of The Park.
- After a brief discussion, it was moved by Selectman Lyman that they move it back to 9:00 p.m. and review the Rules and Regulations for next year. The motion was seconded by Selectman Hess, voted and approved 3-0-1 (Selectman Teichert abstaining).
- Regarding their competition with North Andover, the Manager said he hoped everyone looks at the Town's website and enters into the competition with North Andover on how many light bulbs Town residents can change over to the compact fluorescent light bulbs. Chairman Vispoli gave the current standings. He said their goal for both towns was 1,000 each. So far North Andover has 26 pledges and Andover has 121 giving Andover the lead. He said they want to keep the pressure on and try to get to their quota.
- Before the end of the meeting, the Manager said they should have a conversation about the schedules for the Finance Committee and Selectmen's meetings for the month of February and March.
- At their meeting on February 5, he said he would like to have the Board come to terms with the selling of tax title property. There have been some changes and he would like to take a vote on it that evening.

January 22, 2007 (Cont.)

II. Communications/Announcements/Liaison (Cont.)

Town Manager Stapczynski (Cont.):

- Chairman Vispoli said he did talk to the Chair of School Committee to try to get a date for the next Board of Selectmen/School Committee meeting. They all agreed they want to keep these meetings going and hopefully they will have a meeting in the next couple of weeks.
- Next Monday, January 29, they will be having the Swearing-in Ceremony for the new Fire Chief Michael B. Mansfield in the Memorial Hall Library. Then reception will be from 4:00 p.m. to 6:00 p.m. and the Swearing-in ceremony will be at 5:00 p.m.

Selectman Mary Lyman:

- The Andover Commission on Disabilities will meet Thursday evening at 7:00 p.m. in the room outside the Children's Room at the Library.
- As a follow up on the meeting they had with their legislators, one of the things that was brought up was that since they can't get the local aid number from the state early on would the Town consider moving the current town meeting date. Senator Tucker had said the meeting would have to be in June. A discussion was held if this should be put on the Board's agenda to discuss or not a question for this year. The Manager felt they should have a discussion with the Finance Committee on it. Town Clerk Hanson said changing the date would affect the warrant. Their original warrant is both for an election and town meeting and if the meeting date is changed happens, they will have to have two warrants. Also, the availability of the Collins Center and the Field House may be an issue. It was agreed they need more information as to availability of dates. Chairman Vispoli wondered if they could get some assurance if moving the date will help. Selectman Lyman suggested asking Tony Torrisi that question. The Manager was asked to get a recommendation from the Finance Committee as well as the School Committee. Ms. Hanson was asked to check the availability of Mondays and Tuesdays in the last part of May and first part of June. Also to ask the legislators how they feel about this. Selectman Hess said they should have solid information for the February 5th meeting and then decide if they should change.

Selectman Ted Teichert:

- The School Building Task Force met last week and they are visiting the schools this week and next Monday with Joe Piantedosi to see the condition of the schools.
- The Andover Firefighters are having their 135th Annual Ball on Friday, February 2, 2007 at the Old Town Hall. They will have music and a comedian as well. Tickets are available at the Fire Department.

III. Citizens Petitions and Presentations

None this evening

IV. Public Hearing

A. National Grid - Continued Public Hearing

A public hearing was held to continue to hear the request of National Grid for permission to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

January 22. 2007 (Cont.)

IV. Public Hearing (Cont.)

A. National Grid - Continued Public Hearing (Cont.)

- Argilla Road at Cattle Crossing - approximate location shown on Plan No. 1973369, dated 12/19/06.

The request has been reviewed and approved by the Department of Public Works subject to the condition that a street opening permit must be obtained from the DPW prior to the commencement of the work and that the installation of the pole and anchor is to be 3 feet from the edge of the road.

Dave Boucher, representing National Grid, appeared before the Board to speak on this request. He said he was before the Board two weeks ago on this and at that time he was advised with the E-Mail the Town had received to contact the resident at 5 Cattle Crossing. He gave the request to the engineer who designed this and he did contact the resident to address the issues and answer questions. As far as whether the resident was happy with what they were doing afterwards, he didn't know but was before the Board was once again to ask permission to place a new pole. He said what they have there is a situation that needs to be addressed to make it safer.

No one was present from the neighborhood. Ms. Hanson said she has not heard from that resident who wanted the wires placed underground. Mr. Boucher said the resident was told it would cost six figures to go underground.

It was moved by Selectman Hess that the Board approve the request from National Grid to locate poles, wires and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

- Argilla Road at Cattle Crossing - approximate location shown on Plan No. 1973369, dated 12/19/06.

The request has been reviewed and approved by the Department of Public Works subject to the condition that a street opening permit must be obtained from the DPW prior to the commencement of the work and that the installation of the pole and anchor is to be 3 feet from the edge of the road.

The motion was seconded by Selectman Teichert, voted and approved 4-0.

V. New Business

A. Karen Herman, Chair of the Design Review Task Force, & Senior Planner Lisa Schwarz to Present the Task Force's Final Report

Karen Herman, Chair of the design Review Task Force, appeared before the Board with Planner Lisa Schwarz. Ann Constantine was also present. Ms. Herman said the Task Force was charged to review the existing Section 9.6 of the Zoning Bylaw Title Design Review and existing Design review process in Andover. They came to the following conclusions:

- They need to have five newly appointed and qualified members appointed to the Design Advisory Group.
- The zoning bylaw must be updated to improve consistency and clarity to the process.

V. New Business (Cont.)

January 22. 2007 (Cont.)

A. Karen Herman, Chair of the Design Review Task Force, & Senior Planner Lisa Schwarz - Re: The Task Force's Final Report (Cont.)

- A booklet of design guidelines must be created to help applicants, staff volunteers and the general public.
- The name of the Design Advisory Group should be changed to the Design Review Board.
- The revised bylaw that they will be presenting to this town meeting has some house cleaning items that just changed language where appropriate; the wording Design Advisory Group to Design Review Board;
- Currently a design review is required for new construction or renovations in the general business district; the Task Force recommends that they should also include the mixed-use district as appropriate for the design review process.
- The Task Force felt that town structure impacts the whole community and as a whole should go through the design review process as well. The review itself is not intended to be cumbersome but will give the community a forum to express their ideas and provide productive input.
- They have also included a waiver process in this process so they have eliminated items from review that would be unnecessarily cumbersome for the design review process to be done.

Ms. Herman said that everyone has received a copy of the draft design review standards. She said Ms. Swartz has been a wonderful resource and worked hard to put this together. She felt they have a really good product here and a good Design Review Board. Ann Constantine is Chair of that and it is already in place and operating. She hoped they would have the Board's approval at town meeting.

Chairman Vispoli said he knows the work put into this and that looking at other towns provided a big availability so they can see what was successful in other towns. He felt that was the sign of a good plan. He then asked for questions from the Board.

Selectman Teichert asked how strict the group would be overseeing someone coming into Town. Ms. Herman said they incorporated this process into the Planning Board process itself. People will see from the standards that they have set that this is a very consistent way that they are looking at the downtown and how it works. Selectman Teichert said he understands with lights and signs but wondered about looking into esthetics and style. Ms. Herman said they don't regulate color but would hope by example and pointing out other things in town, that the person applying would get the picture. Selectman Teichert said this obviously would help their group. He thanked them for the great job they did.

Lisa Schwartz said they tried to involve the Planning Board, Zoning Board and Building Division in the exercise over the last year as to how to incorporate it into their permitting and special permits. They also have a Planning Board member on the Design Review Group that will make a fantastic link between the two. Karen Herman said they have a good mix of people on the Board that come from all aspects of the town. It is well representative of what the Board should be. She then took the opportunity to thank all the people that worked on the Design Task Force.

V. New Business (Cont.)

January 22. 2007 (Cont.)

A. Karen Herman, Chair of the Design Review Task Force, & Senior Planner Lisa Schwartz - Re: The Task Force's Final Report (Cont.)

Selectman Hess also congratulated everyone for all their fine work. He clarified that the existing review is only for the Central Business Group and this expands it to mixed use also. Also, right now it only applies for some structures and this extends it to new structures as well. Chairman Vispoli said he felt it was a good teaming with the Town. The Manager took the opportunity to thank Ann Constantine for her participation as the lone member of the DAC for so many years. Now he said she will have the support of four other people and this bylaw. He hoped it would be passed.

B. Lisa Schwartz - Downtown Parking Sticker Program

Senior Planner Lisa Schwartz appeared before the Board to request that the Board renew the downtown parking sticker program to extend it for a period of two years. She said that annually or every other year she comes forward to extend the practice of the sticker-parking program. Two years ago she said she asked the businesses having the parking stickers for feedback and again she is in contact with them and it seems that the businesses that have the present stickers really appreciate them. It is a consistent source of revenue for the parking spaces that are typically underutilized. When asked, she explained the program. She said there is typically a waiting list for the stickers. Dolly Zimmer in the Treasurer's Office and Dave Cantone have not seen or heard of any thing they feel should be changed.

In the memo she sent to the Board, Ms. Schwartz said that one of the business owners in the past has asked if they can look at how they pay for their monthly parking sticker. If one has multiple employees in a business it was suggested that only one employee could go down and pay for all the employees. Currently, the way the policy reads, each individual sticker owner has to come down every month and fill out the application and pay.

After all discussion was heard, it was moved by Selectman Lyman that the Board approve the proposal as presented. The motion was seconded by Selectman Teichert, voted and approved 4-0.

Chairman Vispoli thanked Lisa Schwartz as well as the Manager for all their work on this.

C. Changes to Town's Traffic Rules and Regulations

The Board discussed the following change to the Town's Traffic Rules and Regulations as proposed by Safety Officer Robert Cronin:

Schedule 1, Article V, Section 2 - PARKING:

- Add: "No Parking" on the east side of Maple Avenue from 80 feet north to Elm Street

Office Cronin appeared before the Board to explain the request. He said that when they put the new curbing down on Maple Avenue it narrowed it down and it has been problematic ever since.

V. New Business (Cont.)

C. Changes to Town's Traffic Rules and Regulations (Cont.)

January 22. 2007 (Cont.)

One of the areas they identified through observation as well as numerous complaints was that if people are utilizing parking on both sides of the street, especially near Elm Street, it chokes down to one lane. If someone is traveling south bound on Elm Street and the car making the turn from Elm to Maple has to yield and someone has to stop in the middle of the travel way. There have been all kinds of complaints for that. So they are asking the Board to consider restricting parking on the east side of Maple Avenue from 80 feet north to Elm Street. They hope this will get people out of the Elm Street/Maple Avenue intersection and make that area safer.

Richard Cavallaro, 24 Maple Avenue, owner of the property at 7-9 Maple Avenue, rented property that they own, was present with his mother and sister. He said they are concerned about this change for a couple of points: since the driveway at 7-9 Maple is rented out, when service people are called, they need access for parking so they can access their tools. They need to be there as well and they are talking about 2-3 cars. In addition to that if you start desecrating a feature they have in their own apartment and given the same apartment midway down the street as opposed to theirs, for the same price, they can part in front of their house but not in front of theirs. To be fair he felt they have to do the entire street or not at all. Mrs. Cavallaro said although the corner house is not close to Maple Avenue the proposed parking ban does go beyond their driveway which leaves instead of being able to park three cars in front of their house, only one car to fit there. Since the temporary sign has been taken lost, she said that parking space has been taken by people who work downtown so they have no parking in front of their house. She said this was a great imposition and they object to it and the town should look for another solution. When asked, she suggested as a solution to put up meters that a person could go to and put money into a meter for 8 hours.

Officer Cronin said if the Police Department had its way, safety wise they would only have parking on one side of Maple or another. A discussion followed. Ms. Cavallaro said the suggestion to change it to 65 feet on both sides of the street makes a lot of sense rather than 80 feet on one side. Chairman Vispoli said that Officer Cronin should look at that. Officer Cronin said he would have to measure it out but didn't think it was going to be sufficient. When asked Officer Cronin said if there is an emergency and a vehicle/oil truck there, he may not be tagged but a craftsman that is going to be there for a period of time will be tagged. Mrs. Cavallaro asked if it was necessary to have no parking there 24 hours a day because a traffic problem doesn't exist 24 hours a day. Officer Cronin said at any given time on that street, you can have a car from an even and odd house parked exactly across the street from each other and you have a safety issue. Officer Cronin said that if they are going to alter this request they should be sending out abutter notices.

It was moved by Selectman Lyman that they try temporary signs on both sides of Maple Avenue 65 feet or therein for 30 days and notify the neighbors of the change and have a hearing on this the end of February or beginning of March. The motion was seconded by Selectman Teichert voted and approved 4-0.

V. New Business (Cont.)

C. Changes to Town's Traffic Rules and Regulations (Cont.)

January 22, 2007 (Cont.)

The Board considered the second request to change the Town's Traffic Rules and Regulations as proposed by Safety Officer Robert Cronin as follows:

Schedule 7, Article VII, Section 8(i) - YIELD SIGNS:

Add: "Yield" sign at the intersection of Stevens Street and Shawsheen Rd.

Officer Cronin said this proposal came up to clarify who has the right of way at this intersection and felt it makes sense to define the right of way.

It was moved by Selectman Hess that the Board approve the above request. The motion was seconded by Selectman Lyman, voted and approved 4-0.

D. Gift to the Andover Youth Services Department from the Timothy P. Horne Charitable Trust

The Manager said this was a delightful situation the Town and Youth Services finds themselves in. He said Mr. Horn has graciously donated \$150,000 with a number of terms and conditions as stipulated in the letter from Walter J. Flowers to the Board of Selectmen dated January 3, 2007.

Bill Fahey, Youth Services Director, appeared before the Board to speak on this issue. He said they have a gift account, in this particular case because of the size, a separate gift account set up where this money will be deposited. He plans to talk to Mr. Horn and see what he has in mind for the community and go from there. He said they are not going to race out there and spend the money and will use common sense on what to spend the money on. Selectman Hess suggested one area they may want to look at using some of the money is for psychological consultation and training for staff.

After a discussion, it was moved by Selectman Lyman that the Board of Selectmen vote to accept the gift of \$150,000 from Timothy P. Horne, as the Donor of the Timothy P. Horne Charitable Trust, to the Andover Department of Youth Services and to authorize the expenditure of such funds in the following manner, without further appropriation:

1. The donated funds may be used for the following purposes only:
 - a. to operate youth service programs for the Town of Andover;
 - b. to purchase materials, equipment, services and other items as needed to operate day-to-day youth service programs;
 - c. to provide scholarships for Andover Youth Services programs at the discretion of the Director of Youth Services.
2. The funds may not be used for the following purposes:
 - a. to supplant the regularly-budgeted personal service salaries within the Youth Services Department, however, at the discretion of the Director of Youth Services, the funds may be applied to retain the position of a Youth Services staff member, if that position should be eliminated due to a budget reduction imposed upon the Department of Youth Services during a future Program Year. The donated funds may be applied to this purpose if the Director shall determine that the subject position is essential to the Department's ability to provide services for the benefit of the young people of the Town.

V. New Business (Cont.)

D. Gift to the Andover Youth Services Department from the Timothy P. Horne Charitable Trust (Cont.)

January 22, 2007 (Cont.)

- b. The funds may not be applied to supplant any design and/or building costs of a new Youth Center.
 - c. Nor to substitute for any regular allocation, appropriation or budget of other funds from the Town to the Department of Youth Services.
- 3. No amount or portion of the funds may be used for non-youth services expenses.
 - 4. The gift cannot be absorbed into the Town's general funds or operating budget, nor can the donated funds be used to substitute for any allocation or appropriation of funds that the Town might otherwise make to the Department of Youth Services.
 - 5. The funds shall be held as a separate account and may be expended as aforesaid by the Youth Services Department without further appropriation, in accordance with Massachusetts General Laws, Chapter 44, Section 53A.
 - 6. Any interest earned upon the principal amount of this gift shall remain with and become part of the gift account to be expended as part of the gift by the Director of Youth Services without further appropriation, in accordance with Massachusetts General Laws, Chapter 44, Section 53A.

The motion was seconded by Selectman Hess. After a discussion, the motion was voted and approved 4-0.

E. Board to Vote to Approve the Lease Purchase Borrowing for the Town and School's Fiber Optic Network

The Manager said a lot of work has been done on this. David Reilly, Town Treasurer, and Anthony Torrisi, Director of Finance and Budget were present to present the financing piece of the I-Net agreement.

Mr. Reilly said they have to have the financing in place before they can sign the contract. He said they have a pretty competitive rate, 3.8 percent. In this particular case it is a 5-year lease purchase and at the end of the 5 years they can purchase it for \$1. This is a self funding; originally \$100,000 a year for five years and they expect the money to come back to the Town from the franchise fees Verizon and Comcast are going to charge their customers. As to when they will actually borrow the money, Mr. Reilly said in two weeks. The money will go into an escrow account at the Bank of America and drawn upon as bills are approved for payment.

It was moved by Selectman Hess that the Town of Andover enter into a 5-year lease dated January 26, 2007 with the Banc of America Public Capital Corporation (a subsidiary of Bank of America), for the purpose of financing a fiber optic network. The principle lease amount is \$471,136.00 at an interest rate of 3.80%. The motion was seconded by Selectman Lyman, voted and approved 4-0.

VI. Approval of Consent Agenda Items

A. Appointments and Re-appointments

It was moved by Selectman Hess that the Board approve the following appointments by the Town Manager:

January 22. 2007 (Cont.)

DEPARTMENT	POSITION	RATE	EFF. DATE
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PLANT AND FACILITIES DEPARTMENT - Municipal Facilities Division

Rebecca DelRosso	Office Assistant II - PT (v. D. Anciello)	IE 12-1	1/22/07
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COMMUNITY SERVICES

Raymond J. Puntoni	Basketball Program Staff - PT	C5A	1/9/07
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HOUSING TRUST FUND BOARD OF TRUSTEES

Daniel T. Grams - Term expires 6/30/07
(v. J. Cuticchia)

Selectman Teichert seconded the motion. With no objections, the motion was voted and approved 4-0.

Selectman Lyman commented as they move forward and they have part time positions she felt they should look at the ones they want to continue to provide benefits for.

B. Crafts in the Park

It was moved by Selectman Teichert that the Board grant permission to Vahe Apelian, President of the Andover Chapter of the American Field Service (AFS), is requesting permission to conduct the 31st Annual Crafts in the Park fair in The Park on Saturday, May 12, 2007.

The request has been reviewed and approved with conditions by the Police Department.

The motion was seconded by Selectman Lyman, voted and approved 4-0.

C. Feaster Five Road Race

It was moved by Selectman Lyman that the Board grant permission to Dave McGillivray, DMSE, Inc., to hold the 20th Annual Feaster Five Road Race through the streets of Andover on Thanksgiving Day, November 22, 2007, beginning at Brickstone Square.

The request and route have been reviewed and approved with conditions by the Police Department.

The motion was seconded by Selectman Teichert, voted and approved 4-0.

VI. Approval of Consent Agenda Items (Cont.)

D. One-Day Beer and Wine License

It was moved by Selectman Hess that the Board approve the request of Norma Gammon, on behalf of the Friends of Memorial Hall Library, Elm Square, Andover, for a one-day beer and wine license for use on Saturday, February 10, 2007 at the

January 22, 2007 (Cont.)

Andover Town House from 6:30 P.M. to 11:00 P.M. for a Jazz Concert. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

The motion was seconded by Selectman Lyman, voted and approved 4-0.

E. Common Victualler Licenses

It was moved by Selectman Lyman that the Board approve the following Common Victualler license renewals for 2007 as presented by the Town Clerk Randy Hanson is presenting the following Common Victualler license renewals for 2007:

- Eurest Dining Services, d/b/a Eurest Dining Services at Raytheon, 350 Lowell Street, Andover. Scott Logan is the designated Manager.
- Eurest Dining Services, d/b/a Eurest Dining Services at Raytheon, 358 Lowell Street, Andover. James Humphrey is the designated Manager.

Both requests have been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the licenses.

The motion was seconded by Selectman Hess, voted and approved 4-0.

VII. Approval of Minutes from Previous Meeting

It was moved by Selectman Lyman that the Board approves the minutes of the January 8, 2007 - Regular Meeting. After a correction, the motion was seconded by Selectman Hess voted and approved 4-0.

It was moved by Selectman Hess that the Board approves the minutes of the January 16, 2007 - Tri-Board Meeting. The motion was seconded by Selectman Teichert. After corrections were noted, the motion was voted and minutes approved 4-0 as corrected.

Before adjourning, the Board reviewed the meeting schedule for February and March. The only changes were as follows: March 15 removed; March 22 will be the regular meeting instead of March 26

VIII. Adjournment - 8:40 P.M.

With no further business for the Board, it was moved by Selectman Hess that the Board close the Regular Meeting of the Board at 8:40 p.m. The motion was seconded by Selectman Lyman, voted and approved 4-0.

Elizabeth A. Kochakian
Recording Secretary

January 22. 2007 (Cont.)